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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/859,616

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Randy D. Sines

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EXAMINER

KESACK, DANIEL

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/859,616

Applicant(s)

SINES ET AL.

Examiner

Dan Kesack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☒ Claim(s) 9 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/16/01; 9/16/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Original claims 1-35 are currently pending.
The rejections are as stated below.

Claim Objections

2. Claims 9, 26 are objected to because of the following informalities: Applicant's use of the linking clause "wherein" is grammatically incorrect. Examiner respectfully suggests the correction "A method according to claim (1 or 19) further comprising:"
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 3-5, and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claims 3-5 and 20-22 recite "wherein said customer account information further includes." There is insufficient antecedent basis for the recited "customer account information" in claims 1 and 19 from which claims 3-5 and 20-22 depend, respectively.

5. The term "approximately" in claim 8 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim does not provide enough details for determining what would be considered "approximately simultaneous."

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrott et al., U.S. Patent No. 6,839,692, in view of Michener et al., U.S. Patent Application Publication No. 2005/0010786.

Claims 1, 19, Carrott discloses a method and apparatus to provide secure purchase transactions over a computer network, comprising:

creating a customer account with a bank, the account having customer delivery address information associating the customer account with at least one authorized customer delivery address (column 4 lines 1-4, column 7 lines 12-15);

creating a merchant account, said merchant having an internet site at which the merchant offers goods or services, wherein a merchant inherently has an account with the disclosed national credit agencies (column 7 line 65 – column 8 line 20);

obtaining computerized order information which indicates an order for chosen goods or services being purchased by the customer using the merchant, the order information including a delivery address (column 6 lines 35-45, 62-63);

verifying the order delivery address by comparing the order delivery address to the customer delivery address information kept by the bank of assure it is an authorized customer delivery address (column 7 lines 1-39); and,

communicating assurance of payment to the merchant in connection with said order upon successful verification of the delivery address (column 2 lines 12-32).

Carrott fails to teach the customer account having a computer global positioning satellite (GPS) location identification information associating the customer account with at least one authorized customer computer, obtaining the GPS location information indicating location of the ordering computer, and verifying the GPS location with the location stored in the account.

Michener discloses a trusted authorization device for verifying security and authenticity of a transaction, wherein the device used to conduct the transaction (TAD) includes a GPS receiver, enabling the service provider to ascertain that the user is at the correct physical location, and where the GPS coordinates are output along with the rest of the transaction data, and are verified by a service provider. Michener inherently teaches that the original GPS coordinates are stored and associated with the transaction device for comparison purposes. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Carrott to include providing GPS location information, along with the address information, transmitting the GPS location information, and verifying the GPS location information, in the same manner that Carrott teaches the delivery address is provided, transmitted, and verified, because Michener teaches the GPS information allows the system to provide strong assurance that the user is at the designated location (paragraphs 158-159).

Claim 2, Carrott inherently teaches crediting funds to the merchant account in payment of said order because this step is inherent in any authorized credit card transaction.

Claims 6, 23, Carrott teaches the customer building an order file (column 5 lines 29-55).

Claims 7, 24, Carrott teaches building an order file with the merchant internet site, at least part of which is obtained by the bank (column 6 lines 35-67).

Claims 8, 25, Carrott teaches the customer, banker, and merchant are connected to a network, such as the Internet, which provides simultaneous connection between the entities (column 3 lines 45-67).

Claims 9, 13, 14, 26, 30, 31, Carrott teaches communicating between the customer and the merchant to provide the merchant with a first portion of a merchant order file, and communicating between a customer and a bank to create a bank customer order file, as cited in reference to claims 1 and 19, above. Carrott further teaches the bank providing the merchant with a second portion of the merchant order file (for example, authorization number), based in part on the bank customer order file (column 5 lines 65 – column 7 line 3).

Claims 10-12, 15-18, 27-29, 32-35, Carrott teaches a financial institution using stored customer account information. While Carrott fails to teach the account information coming from a second source which is not the internet, acquiring this information through non-internet sources, such as mail-in applications, telephone applications, and in-person interviews at the financial institution would all be obvious next steps when the customer establishes an account at the financial institution, and includes supplying customer account verification information through means other than the Internet.

9. Claims 3-5, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrott and Michener as applied to claims 1 and 19 above, and further in view of Tetro et al., U.S. Patent No. 6,095,413.

The combination of Carrott and Michener fail to teach using identification information other than delivery address and GPS location information to verify a transaction.

Tetro discloses a system and method for fraud detection in electronic transaction processing, wherein an account holder's personal parameters, such as social security number, address, and telephone number are obtained during a transaction, and are verified to match stored values for said parameters, in order to authorize the transaction (column 4 line 31 – column 5 line 43, column 7 lines 43-61). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to

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modify the teachings of Carrott and Michener to include the use of telephone and social security numbers for verifying a transaction because Tetro teaches the deficiencies of address-verifying-only systems, and the need to validate more inaccessible and personal information in order to ensure security (column 1 lines 41-67).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Penzias, U.S. Patent No. 5,311,594 discloses a system and method for fraud protection in transactions. Hultgren, U.S. Patent No. 6,868,391 discloses a system and method for telecommunications and data communications payment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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